

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.22107 OF 2012

ORDER:

This writ petition is filed by the petitioner stating that she is the absolute owner and possessor of a residential house bearing No.58-2-09, Mamidipallivari Street, Jagannadhapuram of Kakinada District. Initially the petitioner applied for G+1 permission from the respondent Corporation and the same was granted. Subsequently the petitioner applied for G+2 vide application dated 24.11.2009 along with prescribed fee and the respondent Corporation accepted the fee but did not take any action on petitioner's application for several months. Meanwhile, the petitioner completed the construction under the deemed provision as no reply was received from the respondent within one month. Now the respondent Corporation vide its letter No.U/c No.3/2010-TPS'II dated 15-04-2010 intimated the petitioner that they have rejected the petitioner's application, which was received by the petitioner on 24.05.2010. Aggrieved by the same, present writ petition is filed.

Though the writ petition is filed in the year 2012, no interim order is granted by this Court. The impugned proceedings dated 15.04.2010 is only a show cause notice issued under Sec.452, 461 and 636 of the HMC Act, 1955. But, the petitioner, instead of submitting explanation, has straightaway filed the writ petition.

It is not the case of the petitioner that the impugned proceedings are without jurisdiction. Normally, this Court will not interfere with the show cause notice, unless it is without jurisdiction. Further, the petitioner nowhere in the writ affidavit stated that it is without jurisdiction. The only plea taken by the petitioner is that he has made construction in the second floor under deemed provision.

No particulars are given as to when he has commenced the construction and when he has given notice of construction to the respondents. Any how, since the impugned proceedings are only show cause notice, it is for the petitioner to submit explanation to the show cause notice within four weeks from the date of receipt of a copy of this order. If no final decision is taken by the respondent Corporation till today, the respondent Corporation may consider the explanation of the petitioner and take appropriate action.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

13.07.2015
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